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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/614,919      | 07/12/2000  | Koichi Sakamoto      | 879-268P            | 2489             |

7590 01/24/2007  
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| EXAMINER |
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AGGARWAL, YOGESH K

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2622

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 01/24/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/614,919

Applicant(s)

SAKAMOTO ET AL.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 16-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-11 and 16-34 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's amendment filed on 06/27/2006 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). An IDS was submitted on 06/27/2006, which was translated by the office (human translation) and is being used for the current rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 16, 23 and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Niimura (JP Patent # 09-106662A).

[Claim 1]

Niimura teaches an electronic camera (figures 2 and 3, camera 30) wherein an imaging part is inherently present in order to capture a subject image. Niimura further teaches a recording medium which records captured image data of the subject image (Paragraphs 24-28); and a communication device which communicates with an external device (figures 2 and 3, simultaneous recorder 31) which performs audio regeneration (Paragraph 30 teaches background music BGM and external audio on the microphone 10. A communication device is inherently

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present in the camcorder 30 when it is communicating with external recorder as stated in Paragraph 25),

wherein when the subject image is captured, audio regeneration data stored are recorded in the recording medium together with the captured image data (Paragraphs 24-27 and figure 5 teach a song number being recorded on the audio track CH1 of the video camcorder along with the image data),

wherein the audio regeneration data include information regarding a location of non-ambient sound data within the external device (e.g. song number, See Paragraphs 24-27), and

wherein the non-ambient sound data corresponds to non-ambient sound regenerated by the external device when the subject image is captured (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone).

[Claim 2]

Niimura teaches an electronic camera (figures 2 and 3, camera 30) wherein an imaging part is inherently present in order to capture a subject image. Niimura further teaches a recording medium which records captured image data of the subject image (Paragraphs 24-28, figure 5),

at least one of a display, which displays an image in accordance with the image data, recorded in the recording medium and an image signal output device, which externally outputs an image signal in accordance with the image data recorded in the recording medium (Paragraph 37 teaches images are played back on video camcorder 30 recorded on a video track image signal. It would be inherent that there would be some kind of display device in order to playback the images and See paragraph 25 wherein video signal is output to a recorder 31) ;

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a communication device which communicates with an external device (figures 2 and 3, simultaneous recorder 31) which performs audio regeneration (Paragraph 30 teaches background music BGM and external audio on the microphone 10. A communication device is inherently present in the camcorder 30 when it is communicating with external recorder as stated in Paragraph 25),

wherein the image data and audio regeneration data recorded together with the image data in the recording medium are read out (Paragraphs 37 and 38), and the image is displayed in accordance with the image data, and non-ambient sound stored within the external device is regenerated in accordance with the audio regeneration data stored within the recording medium (Paragraphs 36-40).

wherein when the subject image is captured, audio regeneration data stored are recorded in the recording medium together with the captured image data (Paragraphs 24-27 and figure 5 teach a song number being recorded on the audio track CH1 of the video camcorder along with the image data),

wherein the audio regeneration data include information regarding a location of non-ambient sound data within the external device (e.g. song number, See Paragraphs 24-27), and

wherein the non-ambient sound data corresponds to non-ambient sound regenerated by the external device when the subject image is captured (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone).

[Claim 3]

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In regards to claim 3 Niimura discloses a recording and regenerating method of an electronic camera (figures 2 and 3, camera 30, Paragraphs 24-28, figure 5), comprising the steps of:

regenerating non-ambient sound in accordance with audio data, which is recorded in a first recording medium (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone and Paragraph 17 teaches a song data ROM 4 that stores a multiplicity of BGM songs);

recording image data representing a subject in a second recording medium at image-capturing, and recording, in the second recording medium, audio regeneration data together with the image capturing at the image capturing (Paragraphs 24-27 and figure 5 teach a song number being recorded on the audio track CH1 of the video camcorder along with the image data. An image-recording medium would be inherently present in order to record image along with audio regeneration data)

regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the non-ambient sound in accordance with the audio regeneration data which is recorded together with the image data in the second recording medium (Paragraphs 36-40).

wherein the audio regeneration data include information regarding a location of the non-ambient audio data within the first recording medium, and wherein the non-ambient audio data corresponds to the non-ambient sound regenerated at the image capturing (e.g. song number, See Paragraphs 24-27, also see Paragraphs 36-40).

[Claims 16 and 23]

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Claims 16 and 23 are the combination of claims 1 and 3 and is therefore analyzed and rejected based on claims 1 and 3.

[Claims 30-34]

Niimura teaches a regeneration signal processing part configured to regenerate the image data representing the captured subject image (Paragraphs 36 and 37), wherein when the image data representing the captured subject image is regenerated, the audio regenerating device is configured to regenerate the non-ambient sound corresponding to the audio regeneration data by the reading the non-ambient sound from the first recording medium (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone and Paragraph 17 teaches a song data ROM 4 that stores a multiplicity of BGM songs and Paragraphs 36-40 teach regeneration of image data along with audio data from the recorder 31).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-11 and 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent # 5,812,736) in view of Niimura (JP Patent # 09-106662).

In regards to claim 3 Anderson discloses a recording and regenerating method of an electronic camera comprising the steps of:

recording image data representing a subject in a second record medium at image-capturing, and recording, in the second recording medium, audio regeneration data together with the image capturing at the image capturing (e.g., column 5, lines 41-51 and 55-58; Fig. 5);

regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the non-ambient sound in accordance with the audio regeneration data which is recorded together with the image data in the second recording medium, (e.g., column 6, lines 6-15; Fig. 6).

Anderson does not disclose that the audio data is regenerated in accordance with audio recorded in a first recording medium and that in regenerating an image it is regenerated in accordance with the audio data which is recorded in the first recording medium, wherein the audio regeneration data include information regarding a location of the non-ambient audio data within the first recording medium, and wherein the non-ambient audio data corresponds to the non-ambient sound regenerated at the image capturing. Examiner notes that in Anderson's description it is implied that the audio is input through a microphone in order to capture ambient audio data (column 6, lines 16-37).

However Niimura discloses a recording and regenerating method wherein regenerating non-ambient sound in accordance with audio data which is recorded in a first recording medium (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone and Paragraph 17 teaches a song data ROM 4 that stores a multiplicity of BGM songs) wherein the audio regeneration data include information regarding a location of the non-ambient audio data within the first recording medium, and wherein the non-ambient audio data corresponds to the non-ambient sound regenerated at the image capturing (Paragraphs 24-27



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and figure 5 teach a song number being recorded on the audio track CH1 of the video camcorder along with the image data. An image-recording medium would be inherently present in order to record image along with audio regeneration data, e.g. song number, also see Paragraphs 36-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added an external audio input terminal in order to enable a user to alternatively supply non-ambient audio data through other audio input devices if necessary. As such, audio data is regenerated in accordance with the first recording medium and is stored in the second recording medium along with the image data and the audio regeneration data. Upon regeneration of the image, audio data is regenerated from the second recording medium in accordance with the audio data in the first recording medium, namely they are identical audio data.

In regards to claim 4 Anderson discloses the recording and regenerating method of the electronic camera as defined in claim 3, wherein:

the audio regeneration data includes an elapsed time period extending between a start point of the regenerating of the non-ambient sound and a point of the image-capturing (e.g., As see in Fig. 5 there is an elapsed time between the start of regenerating sound and a point of image-capturing, namely 1.3 seconds, wherein that audio tag is the audio regeneration data; column 5, lines 20-58; Fig. 5); and

the regenerating of the non-ambient sound in accordance with the audio regeneration data starts from the start point of the elapsed time period (e.g., Anderson discloses that the regeneration of the sound starts at the beginning of the audio track wherein that is 1.3 seconds from the elapsed time; column 6, lines 6-15; Fig. 6).

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In regards to claim 5 see Examiners notes on the rejection of claim 4. Note that the elapsed time is again 1.3 seconds for the first image, 3.8 seconds for the second image, and 4.9 seconds for the third image wherein, as described above, the audio regeneration starts at a predetermined time before the elapsed time, namely the audio starts 1.3 seconds before the first elapsed time, etc. Examiner notes that Anderson discloses that the regeneration of the image starts at the elapsed time (column 6, lines 6-15; Fig. 6).

In regards to claim 6 see Examiners notes on the rejection of claims 4 and 5. Note that the order of regeneration is implied in the Anderson reference in that as shown in Fig. 6 the images are reproduced in time order, namely the first image is displayed first, etc. As disclosed by Anderson the sound data inherently is time-based and therefore has a order of regeneration based on that time and is therefore regenerated based on that order of regeneration (column 5, lines 37-38).

In regards to claim 7 Anderson in view of Niimura fails to teach wherein the first and second recording mediums are memory cards. However Official Notice is taken that the use of memory cards to store image and audio data is very well known to one skilled in the art in order to make the data easily transferable to other devices. Therefore taking the combined teachings of Anderson and Niimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used memory cards to store image and audio data in order to make the data easily transferable to other devices

In regards to claims 8-11 see Examiners notes on the rejections of claims 4-7.

In regards to claims 16-22 see Examiners notes on the rejections of claims 3-7 and 11 respectively.

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## [Claim 23]

Anderson teaches an electronic camera, comprising an imaging part, which captures a subject image (col. 3 lines 18-20); and a recording device which records image data representing the captured subject image in a second recording medium at image-capturing, and records, in the second recording medium, audio regeneration data together with the image data (e.g., column 5, lines 41-51 and 55-58; Fig. 5)

Anderson does not disclose a communication device which communicates with an external audio regenerating device that regenerates non-ambient sound in accordance with non-ambient audio data recorded in a first recording medium; wherein the audio regeneration data include information regarding a location of the non-ambient audio data within the first recording medium, and wherein the non-ambient audio data corresponds to the non-ambient sound regenerated by the external audio regenerating device at the image capturing. Examiner notes that in Anderson's description it is implied that the audio is input through a microphone in order to capture ambient audio data (column 6, lines 16-37).

However Niimura discloses a communication device which communicates with an external device (figures 2 and 3, simultaneous recorder 31) which performs audio regeneration (Paragraph 30 teaches background music BGM and external audio on the microphone 10. A communication device is inherently present in the camcorder 30 when it is communicating with external recorder as stated in Paragraph 25), that regenerates non-ambient sound in accordance with non-ambient audio data recorded in a first recording medium (Paragraph 30 teaches background music BGM that is regenerated by the simultaneous recorder 31 via the earphone and Paragraph 17 teaches a song data ROM 4 that stores a multiplicity of BGM songs) wherein

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the audio regeneration data include information regarding a location of the non-ambient audio data within the first recording medium, and wherein the non-ambient audio data corresponds to the non-ambient sound regenerated by the external audio regenerating device at the image capturing (Paragraphs 24-27 and figure 5 teach a song number being recorded on the audio track CH1 of the video camcorder along with the image data. An image-recording medium would be inherently present in order to record image along with audio regeneration data, e.g. song number, also see Paragraphs 36-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added an external audio input terminal in order to enable a user to alternatively supply non-ambient audio data through other audio input devices if necessary. As such, audio data is regenerated in accordance with the first recording medium and is stored in the second recording medium along with the image data and the audio regeneration data. Upon regeneration of the image, audio data is regenerated from the second recording medium in accordance with the audio data in the first recording medium, namely they are identical audio data.

[Claim 24]

Niimura teaches an image regenerating device which regenerates the subject image; and a regeneration control device which directs the image regenerating device to regenerate the subject image in accordance with the image data recorded in the second recording medium, and directs the external audio generating device through the communication device to regenerate the non-ambient sound having been regenerated at the image-capturing, in accordance with the audio regeneration data that is recorded together with the image data in the second recording medium

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and also in accordance with the non-ambient audio data recorded in the first recording medium (Paragraphs 24-40).

[Claims 25-28]

In regards to claims 25-28 see Examiners notes on the rejections of claims 4-7.

[Claim 29]

In regards to claim 29 Anderson in view of Niimura fails to teach wherein the first recording medium is a disc and second recording medium is a memory card. However Official Notice is taken that the use of discs and memory cards to store audio and image data respectively is very well known to one skilled in the art in order to make the data easily transferable to other devices. Therefore taking the combined teachings of Anderson and Niimura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used a disc and memory cards to store image and audio data in order to make the data easily transferable to other devices.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA  
January 14, 2007



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